

ENTERED

September 22, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEEPA KRISHNA,	§	CIVIL ACTION NO
Plaintiff,	§	4:21-cv-01813
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
LIFE INSURANCE	§	
COMPANY OF NORTH	§	
AMERICA, <i>et al</i> ,	§	
Defendants.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A. Bryan dated August 11, 2022. Dkt 71. Also pending are objections filed by Plaintiff Deepa Krishna. Dkt 72. Defendant Life Insurance Company of North America has filed an opposition to Plaintiff's objections. Dkt 73. Also pending is an unopposed motion by Plaintiff Deepa Krishna for partial voluntary dismissal and expedited consideration. Dkt 62.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

Upon *de novo* review and determination, Plaintiff's objections lack merit. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The objections by Plaintiff Deepa Krishna to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 72.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 71.

The motion by Plaintiff Deepa Krishna for partial summary judgment is DENIED. Dkt 43.

The cross-motion by Defendant Life Insurance Company of America, joined by the Honeywell entities, for partial summary judgment is GRANTED. Dkts 45 & 46.

The motion by Plaintiff Deepa Krishna for partial voluntary dismissal is GRANTED as unopposed. Dkts 62, 63 & 64.

The claim by Plaintiff Deepa Krishna for benefits under Section 502(a)(1)(B) of ERISA is DISMISSED WITH PREJUDICE.

The claim by Plaintiff Deepa Krishna for equitable relief under Section 502(a)(3) of ERISA is DISMISSED WITHOUT PREJUDICE. See FRCP 41(1)(A)(ii).

This is a FINAL JUDGMENT.

SO ORDERED.

Signed on September 22, 2022, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Ch R Eskridge".

Hon. Charles Eskridge
United States District Judge